In re:  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Debtor.  IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  J. EZRA MERKIN, GABRIEL CAPITAL, L.P., ARIEL FUND LTD., ASCOT PARTNERS, L.P., ASCOT FUND LTD., GABRIEL CAPITAL CORPORATION,  SIPA LIQUIDATION  No. 08-01789 (SMB)  Adv. Proc. No. 09-01182 (SMB)  Adv. Proc. No. 09-01182 (SMB)	SOUTHERN DISTRICT OF NEW YORK	**
BERNARD L. MADOFF INVESTMENT  SECURITIES LLC,  Debtor.  IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  V.  J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  ASCOT FUND LTD., GABRIEL CAPITAL  No. 08-01789 (SMB)  Adv. Proc. No. 09-01182 (SMB)  EXAMPLE STATEMENT STATEM	In re:	X : : : : : : : : : : : : : : : : : : :
Debtor.  IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  J. EZRA MERKIN, GABRIEL CAPITAL, L.P., ARIEL FUND LTD., ASCOT PARTNERS, L.P., ASCOT FUND LTD., GABRIEL CAPITAL  No. 08-01789 (SMB)  Adv. Proc. No. 09-01182 (SMB)  Adv. Proc. No. 09-01182 (SMB)		: SIPA LIQUIDATION :
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  Adv. Proc. No. 09-01182 (SMB)  J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  ASCOT FUND LTD., GABRIEL CAPITAL	SECURITIES LLC,	: No. 08-01789 (SMB)
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  Adv. Proc. No. 09-01182 (SMB)  J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  ASCOT FUND LTD., GABRIEL CAPITAL	Debtor.	:
of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  V.  Adv. Proc. No. 09-01182 (SMB)  J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  ASCOT FUND LTD., GABRIEL CAPITAL		X
Plaintiff, v. Adv. Proc. No. 09-01182 (SMB)  J. EZRA MERKIN, GABRIEL CAPITAL, L.P., ARIEL FUND LTD., ASCOT PARTNERS, L.P., ASCOT FUND LTD., GABRIEL CAPITAL  :	•	:
v. : Adv. Proc. No. 09-01182 (SMB):  J. EZRA MERKIN, GABRIEL CAPITAL, L.P., ARIEL FUND LTD., ASCOT PARTNERS, L.P., ASCOT FUND LTD., GABRIEL CAPITAL :		· :
ARIEL FUND LTD., ASCOT PARTNERS, L.P., ASCOT FUND LTD., GABRIEL CAPITAL :		: Adv. Proc. No. 09-01182 (SMB)
ASCOT FUND LTD., GABRIEL CAPITAL :	J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	: :
		: :
•		:
Defendants. :	Defendants.	: :
: X		: X

## [PROPOSED] ORDER GRANTING MOTION IN LIMINE BY DEFENDANTS TO EXCLUDE THE TESTIMONY AND EXHIBITS RELATED TO WHETHER INVESTORS WERE MISLED WITH RESPECT TO GABRIEL CAPITAL, L.P. AND ARIEL FUND LTD.'S EXPOSURE TO BLMIS

Upon consideration of the Notice of Motion *In Limine* By Defendants to Exclude the Testimony and Exhibits Related to Whether Investors Were Misled With Respect to Gabriel Capital, L.P. and Ariel Fund Ltd.'s Exposure to BLMIS ("Defendants' Motion *In Limine*"), the accompanying Memorandum of Law, and the accompanying Declaration and exhibits thereto, it is hereby:

**ORDERED**, that Defendants' Motion *In Limine* is granted; that the testimony and exhibits related to investors' supposedly being misled about Gabriel Capital, L.P. and Ariel Fund

08-01789-cgm Doc 15693-1 Filed 04/07/17 Entered 04/07/17 20:30:47 Proposed Order Pg 2 of 2

Ltd.'s investments in managed accounts with Bernard L. Madoff Investment Securities LLC are excluded; and that this Court will order such other relief as the Court deems just and proper in relation to Defendants' Motion *In Limine*.

Dated: New York, New York

HONORABLE STUART M. BERNSTEIN UNITED STATES BANKRUPTCY JUDGE